

THIRD DAY

(Monday, January 20, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Schwartz
Connally	Snelson
Creighton	Strong
Grover	Watson
Hall	Wilson
Harrington	Word
Hazlewood	

Absent—Excused

Bates	Kennard
Harris	Ratliff

A quorum was announced present.

The Reverend William C. Howland, Pastor of University Christian Church of Austin delivered the invocation as follows:

O Thou who are the Source, Sustainer, and Transformer of life, we pause in this moment to acknowledge thy presence and to be reminded again that thou dost expect and require of us . . . to do justice, and to love kindness and to walk humbly with thee.

Grant that those who serve in this place, sensing the magnitude of their task and the awesomeness of their responsibility, may be freed from the encumbrance of timidity, prejudice or bigotry. For their sake and the sake of those whom they seek to represent and serve . . . provide them with knowledge, wisdom and vision as they plan, wrestle with decisions and cast votes that effect the lives of thousands.

Undergird each who serves here with companionship in moments of loneliness, strength in moments of weakness . . . humility in moments of success.

With patience and perserverance, may they face this day and this week and the multiple tasks before them.

Through Jesus Christ, Our Lord, we pray. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, January 15, 1969 was dispensed with and the Journal was approved.

Leaves of Absence

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Ratliff was granted leave of absence for today on account of illness on motion of Senator Herring.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Moore.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 4, Granting permission to each House to adjourn from Wednesday, January 15, 1969, until Monday, January 20, 1969, in memory of The Honorable D. C. Howard.

H. C. R. No. 1, Memorial resolution for Scott P. Sayers.

Senate Concurrent Resolution 9

Senator Watson offered the following resolution:

S. C. R. No. 9, Extending best wishes to the Honorable Jake Tirey on his retirement as Associate Justice of the Court of Civil Appeals for the 10th Supreme Judicial District of Texas at Waco.

Whereas, On December 5, 1968, the Waco-McLennan County Bar Association adopted a resolution honoring one of its most illustrious members, the Honorable Jake Tirey, Associate Justice of the Court of Civil Appeals for the 10th Supreme Judicial District of Texas at Waco; and

Whereas, Judge Tirey retired on December 31, 1968, while serving his

30th year, longer than any other justice presently a member of a Texas Court of Civil Appeals; and

Whereas, In recognition of Judge Tirey's dedication to the law and his contributions to Texas jurisprudence, the 10th Court of Civil Appeals was ordered in special session on the last day of Judge Tirey's service by Chief Justice Frank G. McDonald, with Justices Tirey and Frank M. Wilson on the bench beside him; after opening remarks by Chief Justice McDonald, Attorney Wiley Stem, president of the Waco-McLennan County Bar Association, and Judge D. Y. McDaniel, chairman of the Bar's Resolutions and Awards Committee, read the Bar's resolution; other prominent citizens of Waco also recalled for those present Judge Tirey's most noted opinions; and

Whereas, A man of 81 years on retirement, Judge Tirey still has the love and understanding of the law that made landmark cases of some of his decisions; his eyes sparkle as he remembers cases which made new law, reshaped old law, or just revealed good common sense and clear thinking; some of his fellow lawyers believe that Judge Tirey has had more opinions printed in the Southwestern Reporter, 2nd Series, than any other Justice; he has also written one of the longest opinions—upheld all the way to the U.S. Supreme Court—of one of the longest cases ever held in a Texas State Court, the famed Conroe oil field case which granted Humble Oil and Refining Company title to 495.22 acres of the choicest land; and

Whereas, If there is one thing which Judge Tirey places in importance above the law, it is his wife and two daughters; early in life he was married to the former Miss Elizabeth Culver, the daughter of a prominent Methodist minister and the sister of former Justice Frank Culver of the Texas Supreme Court; the happiness and well-being of Judge Tirey's family have always been foremost in his mind, and no man has done more to achieve these benefits for those he loves; and

Whereas, Judge Tirey's dedication to his family and the law have not diminished the time he found to work for betterment of his community in many fields of civic endeavor; in testimony of his civic responsibility he was recipient of the award of "An Orchid to You" on the radio program in Waco by this name; and

Whereas, A deeply religious man, Judge Tirey's exemplary life has been of great moral benefit to many; and

Whereas, It is appropriate that the Senate of the 61st Legislature recognize the outstanding service to Texas of this eminent jurist; now, therefore, be it

Resolved that the Senate of the State of Texas by this Resolution express its appreciation to Judge Jake Tirey for the many years he has dedicated to the service of his State and his fellow citizens; and, be it further

Resolved that the Senate, the House of Representatives concurring, Extend to him its good wishes for the same pleasure and happiness in his retirement that have always distinguished his more active years on the bench, and that a copy of this Resolution, under the Seal of the Senate, be prepared for Judge Jake Tirey as a token of the esteem with which he is held by the people of Waco and of all Texas.

WATSON

Signed—Lieutenant Governor Preston Smith, Aikin, Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Strong, Wilson and Word.

The resolution was read.

On motion of Senator Word, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Watson, and by unanimous consent, the resolution was considered immediately and was adopted.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 1, Providing for joint committees to canvass votes and to make Inaugural arrangements.

S. C. R. No. 2, Inviting John Connally to address a Joint Session.

S. C. R. No. 3, Providing for closing

of Capitol grounds on Inauguration Day.

S. C. R. No. 4, Providing for the closing of State offices at certain time for Inaugural Ceremony.

Message From the House

Hall of the House of Representatives.

Austin, Texas,
January 20, 1969.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 5, In memory of the Honorable Dave C. Howard.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Presentation of Guests

Senator Blanchard, by unanimous consent, presented as guests of the Senate and Lieutenant Governor Smith and Mrs. Smith all the visitors in the Senate from Lubbock.

Messages From the Governor

The following messages received from the Governor were read:

Austin, Texas,
January 20, 1969.

To the Senate of the Sixty-First Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the State Commission for The Blind: For six-year terms to expire January 1, 1975: John M. Turner of Dallas, Dallas County; Henry X. Salzberger of Dallas, Dallas County.

To be a Member of the Texas Fine Arts Commission: To fill the unexpired term of Paul Howell, resigned, term to expire September 1, 1971: Mrs. F. Howard Walsh of Fort Worth, Tarrant County.

To be a Member of the Board of Directors of the Lower Colorado River Authority: For a term to expire January 1, 1975: John W. Hancock of El Campo, Wharton County.

To be Members of the State Board of Examiners in Optometry: For a

term to expire August 11, 1973, replacing Dr. James R. Gill; Dr. Ralph R. Cohen of Longview, Gregg County. For a term to expire August 11, 1971, replacing Dr. Daniel J. Geller; Dr. Salvador Mora of Laredo, Webb County. For a term to expire August 11, 1971, replacing Dr. Charles Shropshire; Dr. Sidney Freid of Lubbock, Lubbock County.

To be Members of the Board of Trustees of the Municipal Retirement System: For six-year terms to expire December 31, 1974: Clifford L. Davis of Amarillo, Potter County; Gerald Henckel of San Antonio, Bexar County.

To be Members of the Joint Board of Park Commissioners: For terms to expire June 29, 1970: George Nicoud, Jr. of Dallas, Dallas County; Vernon S. Smith of Dallas, Dallas County; T. W. Norsworthy of Dallas, Dallas County; Ernest J. Wilemon of Arlington, Tarrant County; Dick Lowe of Fort Worth, Tarrant County; James C. Fuller of Fort Worth, Tarrant County.

To be Members of the Board of Directors of the Rio Grande Valley Pollution Control Authority: For terms to expire April 21, 1970: Carlton Farris of McAllen, Hidalgo County; A. M. Hervey of San Benito, Cameron County.

To be Members of the Tuberculosis Advisory Committee: For terms to expire August 31, 1973: Dr. Mario Ramirez of Roma, Starr County; Dr. E. S. Crossett of El Paso, El Paso County; Claude Collins, Jr., of San Angelo, Tom Green County; Dr. John A. Wiggins of Fort Worth, Tarrant County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

Austin, Texas,
January 20, 1969.

To the Senate of the Sixty-First Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Presiding Judge of the Second Administrative Judicial District: Max Rogers of Huntsville, Walker County.

To be Presiding Judge of the Fifth Administrative Judicial District: Fi-

dencio Guerra of McAllen, Hidalgo County.

To be Presiding Judge of the Sixth Administrative Judicial District: Roger Thurmond of Del Rio, Val Verde County.

To be Presiding Judge of the Eighth Administrative Judicial District: Louis T. Holland of Montague, Montague County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

Messages From the Governor

The following messages received from the Governor were read:

Austin, Texas,
January 20, 1969.

To the Senate of the Sixty-first Legislature.

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas State Historical Survey Committee: For six-year terms to expire January 1, 1975: Hollis Rankin, Jr., of Dallas to replace Will D. Davis of Austin; Frank Croy of Fort Worth to replace Mrs. Dan Lester of Jefferson; Mrs. Anice Read of Austin to replace Harold L. Kennedy of Palestine; A. M. Pate, Jr., of Fort Worth; Mrs. Mary Moody Northern of Galveston. For a term to expire January 1, 1973: Roy R. Barrera of San Antonio, Bexar County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

Austin, Texas
January 20, 1969.

To the Senate of the Sixty-first Legislature.

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the State Board of Nurse Examiners: For six-year terms to expire April 9, 1973: Mrs. Fay Peyton of Houston, Harris County; Mrs. Mildred Ames of El Paso, El Paso County.

Respectfully submitted:
JOHN CONNALLY,
Governor of Texas.

House Concurrent Resolution 5 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 5, Memorial resolution for the Honorable Dave C. Howard.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Notified Senate

A Committee from the House of Representatives appeared at the Bar of the Senate and Mr. Moyer for the Committee informed the Senate that the House was organized and ready to transact business.

The President thanked the Committee.

Presentation of Mother of Lieutenant Governor Smith

The President of the Senate presented as a guest of the Senate today, his mother, Mrs. C. M. Smith.

Motion to Adjourn

On motion of Senator Aikin the Senate agreed to stand adjourned at the conclusion of the Joint Session until 10:30 o'clock a.m. tomorrow.

Joint Session

(To Count Votes for Governor and Lieutenant Governor)

The President announced that the hour for the Joint Session of the two Houses to count the votes for Governor and Lieutenant Governor pursuant to the provisions of S. C. R. No. 1 had arrived.

Accordingly, the Senators present accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced at the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

The Presiding Officer (Senator Aikin in the Chair) by invitation of

the Speaker of the House, occupied a seat on the Speaker's Stand.

The Presiding Officer called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House announced the purpose of the Joint Session.

A quorum of the House was announced present.

Speaker Mutscher then requested the tellers appointed pursuant to the provisions of S. C. R. No. 1 to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the General Election, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Aikin, Christie, Mauzy and Watson on the part of the Senate, and Representatives Rosson, Kothmann, Wright, Caldwell and Clark of Harris, on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

At Ease

At 11:09 o'clock a.m. the Speaker announced that the Joint Session would stand At Ease pending the counting of the votes.

(Senator Brooks in the Chair.)

In Legislative Session

The Speaker of the House called the Joint Session to order at 11:15 o'clock a.m.

(Senator Aikin in the Chair.)

When the count was completed, the tellers presented the following report, which was read to the Joint Session:

Austin, Texas,
January 20, 1969.

Hon. A. M. Aikin, Jr., Acting President of the Senate:

Hon. Gus F. Mutscher, Speaker of the House of Representatives:

Sirs: We, the Joint Committee of Tellers appointed by the presiding officers of the Senate and House of Representatives to canvass the votes

cast at the last General Election held in the State of Texas on November 5th, 1968, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

There were votes cast for Governor as follows:

Preston Smith,	
Democratic Party	1,662,019
Paul Eggers,	
Republican Party	1,254,333
Others	157

There were votes cast for Lieutenant Governor as follows:

Ben Barnes,	
Democratic Party	2,032,305
Douglas DeCluitt,	
Republican Party	790,588
Others	27

Respectfully submitted,

AIKIN
CHRISTIE
MAUZY
WATSON
for the Senate.
ROSSON
CALDWELL
CLARK of Harris
KOTHMANN
WRIGHT

for the House of Representatives.

Whereupon the Speaker of the House made the following announcement:

Honorable Preston Smith, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Honorable Ben Barnes, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years.

Memorial Resolutions

S. R. No. 12—By Senator Watson:

Memorial Resolution for William Edward Derden. (Amended.)

S. R. No. 13—By Senator Watson: Memorial Resolution for John Kidd.

S. R. No. 14—By Senator Watson: Memorial Resolution for Willie Hollis Ferrell.

Welcome and Congratulatory Resolutions

S. R. No. 8—By Senator Watson: Extending congratulations to A. B. (Bill) Childers on his 40 years of service to vocational agriculture.

S. R. No. 9—By Senator Watson: Extending congratulations to Dr. Roy W. Dugger on his selection as Outstanding Citizen of Waco.

S. R. No. 10—By Senator Blanchard: Extending congratulations to football team of Estacado High School of Lubbock on winning State Class AAA Schoolboy football championship. (Amended)

S. R. No. 11—By Senator Harrington: Extending welcome to Mr. and Mrs. Max Greiner, et al.

S. R. No. 15—By Senator Watson: Extending welcome to Otis Gardner, et al.

S. R. No. 16—By Senator Schwartz: Extending welcome to Mr. and Mrs. Nathan Isenberg.

Adjournment

The Presiding Officer (Senator Aikin in the Chair) announced at the conclusion of the Joint Session that the purpose of the Joint Session having been concluded, the Senate at 11:59 o'clock a.m. would stand adjourned until 10 30 o'clock a.m. on tomorrow by motion previously adopted by the Senate.

Sent to Governor

January 20, 1969

S. C. R. No. 1

S. C. R. No. 2

S. C. R. No. 3

S. C. R. No. 4

FOURTH DAY

(Tuesday, January 21, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Bates	Ratliff
Harris	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Bates was granted leave of absence for today on account of illness on motion of Senator Word.

Senator Ratliff was granted leave of absence for today on account of illness on motion of Senator Herring.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Message From the House

Hall of the House of Representatives
Austin, Texas,
January 21, 1969.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following: